

HON. RICHARD A. JONES

JOHN W. HATHAWAY, PLLC

ATTORNEYS AT LAW
701 FIFTH AVENUE, SUITE 4600
SEATTLE, WA 98104
206.624.7100/206.624.9292 FAX

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

CONRAD O. GARDNER, Individually,)

Plaintiff,)

v.)

TOYOTA MOTOR CORPORATION, a)
Japanese Corporation, and **TOYOTA MOTOR**)
SALES, U.S.A, INC., a Delaware Corporation,)

Defendants.)

No. C 08-0632 RAJ

**ORDER GRANTING
MOTION FOR EXTENSION OF TIME**

Noting Date: June 23, 2009

THIS MOTION comes before the Honorable Richard A. Jones upon Plaintiff's motion for extension of time to file and serve Plaintiff's Responsive pleadings to Defendants' Motion for Partial Summary Judgment of Invalidity regarding Claim 6 of the '672 Patent, and for continuance of the deadline for filing Defendants' Reply pleadings. The Court has considered the Motion and Declaration of Counsel in support of the Motion, Defendants' Response in opposition to the motion, and Plaintiff's Reply. The Court has also considered whether granting the motion would cause any prejudice to Defendants. The Court concludes that good cause has been shown for extending the filing deadline for Plaintiff's Responsive pleadings from June 8, 2009 to June 12, 2009 and that any prejudice to Defendants will be eliminated by continuing the deadline for Defendants to file and serve their Reply pleadings from June 12, 2009 to June 19, 2009. The Court will be considering

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Defendants' arguments concerning invalidity of Claim in connection with the *Markman* hearing, currently scheduled for September 18, 2009. Accordingly, no prejudice flows from continuing the briefing schedule to June 19, 2009. Having considered the issues raised by the parties and having concluded that good cause has been shown for granting the motion, now, therefore, the Court hereby enters the following

ORDER:

1. Plaintiff's deadline for filing and serving pleadings responsive to Defendants' Motion for Partial Summary Judgment of Invalidity of Claim 6 is hereby extended to September 12, 2009.

2. The Noting Date for the Motion and date for Defendants to file all Reply pleadings is hereby continued to September 19, 2009.

3. All other deadlines stated in the Scheduling Order remain unchanged.

DATED this ____ day of June, 2009

HONORABLE RICHARD A. JONES
United States District Court Judge

PRESENTED BY:

JOHN W. HATHAWAY, PLLC

By /s/ John W. Hathaway
John W. Hathaway, WSBN 8443
Attorney for Plaintiff Gardner